

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

HUGO GONZALEZ, INDIVIDUALLY *
AND ON BEHALF OF HIS MINOR *
CHILDREN, C.G and E.G * NO:
*
VERSUS * SECTION:
*
SEA FOX BOAT COMPANY, INC *

COMPLAINT AND REQUEST FOR TRIAL BY JURY

The Complaint of HUGO GONZALEZ, INDIVIDUALLY AND ON BEHALF OF
HIS MINOR CHILDREN, C.G AND E.G, a person of the full age of majority and
resident of Louisiana, with respect represents:

I.

Defendant **SEA FOX BOAT COMPANY, INC.** (hereinafter “SEA FOX”),
a South Carolina Corporation doing business within the State of Louisiana and
having its principle place of business within this District and within the jurisdiction of
this Honorable Court, is indebted unto plaintiffs for all damages to which they are
entitled to receive as prayed for herein, together with legal interest thereon from date
of judicial demand until paid and for all costs of these proceedings for the
following, non-exclusive, acts of negligence and violations of laws, as more
specifically set forth below.

II.

Jurisdiction of this Court is invoked under the Diversity of Citizenship, 28 USCA 1332, and the ‘savings to suitors’ clause.

III.

At all times hereto, Defendant **SEA FOX** designed, manufactured, marketed and sold a boat more specifically identified as a Model 256 COMMANDER, ID # US-LYGKB141K314.

IV.

On or about July 29, 2018, HUGO GONZALEZ was on board said vessel when it exploded, causing him severe burns which necessitated him being admitted and staying in a hospital burn unit for multiple days. His course of treatment included burn grafts and other surgeries.

V.

Upon information and belief, the vessel explosion occurred due to fuel and/or fuel vapors which existed in the hull area at the time of the explosion.

VI.

On information and belief, Plaintiffs alleges that under applicable General Maritime Law the sole and proximate cause of the above-described accident was the negligence of SEA FOX in the defective design, manufacturing, and associated failure to warn of the vessel in the following, non-exclusive respects:

1. Designing and manufacturing a vessel which allowed fuel and/or fuel vapors to exist in the hull;

2. Designing and manufacturing a vessel without proper safeguards to the fuel and ignition and electrical systems so as to warn and/or avoid the aforementioned explosion;
3. Failure to warn plaintiff and any end user of all potential dangers associated with the vessel including warnings which would have avoided this explosion;
4. Designing and manufacturing a defective vessel, to wit, one or more of the following violations of applicable law:

At the time of the sale or distribution, the vessel (1) contained a manufacturing defect, (2) was defective in design, and/or (3) was defective because of inadequate instructions or warnings.

5. Other acts of negligence and violations of general maritime laws and product liability laws which will be shown at the trial of this matter.

VII.

Plaintiff, HUGO GONZALEZ is entitled to recover from the Defendant reasonable and just compensatory, special and general damages as prayed for herein and to be awarded by this Honorable Court in the following non-exclusive respects:

1. Past, present and future physical, mental and emotional pain and suffering;
2. Past, present and future loss of wages, fringe benefits and wage earning capacity;
3. Past and future physical disability and scarring;
4. Past, present and future medical expenses including all Life Care Plan needs; and
5. All other special and general damages as will be shown at the trial of this matter.

VIII.

At all relevant times herein, Plaintiffs C.G AND E.G were and are the minor children of HUGO GONZALEZ. HUGO GONZALEZ appears on behalf of his minor children and seeks damages on their behalf associated with their emotional suffering, loss

of support and nurture and all other damages they have and may suffer as a result of the injuries suffered by their father HUGO GONZALEZ.

IX.

Plaintiffs specifically allege a claim for punitive damages against the defendant herein based upon General Maritime Law.

X.

Plaintiffs pray for a trial by jury on all issues raised herein.

WHEREFORE, Plaintiffs pray that Defendant **SEA FOX BOAT COMPANY, INC.** be duly cited to appear and answer this Complaint and after the legal delays and due proceedings had, there be Judgment herein in favor of the Plaintiffs, HUGO GONZALEZ, INDIVIDUALLY AND ON BEHALF OF HIS MINOR CHILDREN, C.G. and E.G. for all damages to which the Plaintiffs are entitled to recover, including punitive damages, for the reasons set forth herein, together with legal interest thereon from date of judicial demand until paid, for payment of all costs, including expert fees, and for all other general and equitable relief.

AND FOR ALL GENERAL AND EQUITABLE RELIEF.

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Respectfully submitted,

S/Timothy J. Young

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